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Our File No.: 151252

Via Email

Planning and Growth Management Committee
10th Floor, West Tower, City Hall
Toronto, ON
M5H 2N2

Attention: Nancy Martins, Secretariat

Dear Sirs/Mesdames:

**Re: PG Item 4.2 – Midtown in Focus
100 Broadway Avenue, City of Toronto**

We are solicitors for the owner of the property known municipally as 100 Broadway Avenue in the City of Toronto. We are in receipt of the draft official plan amendment (the "Draft OPA") and have reviewed the document with our client and its planning consultants.

While our client is supportive of a comprehensive public realm plan for the Midtown area, our client does have concerns regarding the Draft OPA. As a general comment, many policies use mandatory language to require certain matters, regardless of the context or feasibility. We are also unclear as to how the City intends to secure certain public realm improvements on private lands. Further clarity should be provided in the Draft OPA regarding the intended mechanism to secure these improvements.

More specific policy concerns include:

1. The Draft OPA would require any development to achieve the improvement and expansion of existing parks and the creation of new parks and open spaces. It is unclear how this policy can be satisfied on an individual development parcel.
2. Policy 2.20 would set a policy standard of "no new shadows" on certain parks in the Midtown area. Not only is this policy inconsistent with the policies of the Official Plan but also it provides no guidance as to how to determine what constitutes a "new shadow" on these parks.

3. The Draft OPA creates an area called “Redpath Revisited” but it is unclear as to the intent for this area when the only operative policy applies to the block of Redpath Avenue between Eglinton Avenue and Roehampton Avenue.
4. The Draft OPA would require a minimum setback of 7.5 metres on Broadway Avenue. The inclusion of specific performance standards in the Official Plan is not the preferred approach because, as noted above, context or feasibility on any given site should be taken into account. Further, the Draft OPA would require this setback for the entire height of any building, which would eliminate any ability for design innovation in achieving an appropriate built form relationship with the street.

Our client is in the process of preparing a rezoning application and would welcome a deferral of the item to enable discussions with City staff regarding modifications to the Draft OPA to address our client’s concerns and avoid any need to appeal the Draft OPA. In the meantime, we would appreciate this letter being included as part of the materials considered by Planning & Growth Management Committee and City Council regarding the Draft OPA.

Please also accept this letter as a request for notice of any decision made by City Council

Yours truly,

Goodmans LLP



David Bronskill
DJB/
cc: Client